

On December 8, 10, and 14, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19164. Misbranding of Klen Dent. U. S. v. 30 Bottles of Klen Dent. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 25902. I. S. No. 8490. S. No. 4150.)

Examination of samples of Klen Dent from the shipment herein described having shown that the labeling bore statements representing that the article possessed curvative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Texas.

On February 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 bottles of Klen Dent, remaining in the original unbroken packages at San Antonio, Tex. On April 2, 1931, the original libel was amended and on November 18, 1931, a second amended libel was filed. It was alleged in the libel as amended that the article had been shipped by the Klen Dent Co. (Inc.), from Eureka Springs, Ark., on or about November 14, 1930, and had been transported from the State of Arkansas into the State of Texas, and that it was misbranded in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium perborate, magnesium oxide, magnesium peroxide, soap, and small proportions of methyl salicylate and a fatty oil.

Misbranding of the article was alleged in the libel as amended for the reason that the following statements regarding the curative or therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "For * * * Gums * * * Stimulates the tissues of the mouth. Establishes a healthy mucous membrane. Stops bleeding gums. Prevents pyorrhea. * * * The powder is more than simply a tooth cleanser. It prevents decay * * * Excellent for the gums;" (bottle) "For the * * * Gums."

On December 11, 1931, the Klen Dent Co., Eureka Springs, Ark., intervenor, having admitted the material allegations of the libel and having withdrawn its original plea of intervention and agreed to contest the case no further, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19165. Misbranding of spearmint tooth paste. U. S. v. 69 Small and 8 Large Packages of Spearmint Tooth Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27382. I. S. No. 42845. S. No. 5540.)

Examination of samples of spearmint tooth paste from the shipment herein described having shown that the labeling bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On December 15, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 69 small and 8 large packages of spearmint tooth paste, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped by W. W. Wrigley Sales Co., from Atlantic City, N. J., on or about June 29, 1931, and had been transported from the State of New Jersey into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of calcium carbonate, soap, and glycerin, flavored with spearmint oil.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative or therapeutic effects, appearing in the circular accompanying the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Fermentation That enemy of your teeth and your smile * * * Anti-Fermentative Tooth Paste * * * Know how it acts to stop fermentation—a source of tooth destruction and diseased gums—and